

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 494

October 19, 1995, 5:09 p.m.
Page S-15325 Temp. Record

CUBAN LIBERTY ACT/Final Passage

SUBJECT: Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 . . . H.R. 927. Final passage, as amended.

ACTION: BILL PASSED, 74-24

SYNOPSIS: As amended and passed, H.R. 927, the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, will strengthen sanctions against the communist Cuban government and will prepare for a transition government leading to a democratically elected government in Cuba. Details are provided below.

Title I, Sanctions Against the Current Cuban Government

- the President will be authorized to aid individuals and nongovernmental organizations to support democracy-building efforts in Cuba;
- the President will be urged to encourage foreign countries to restrict trade with, and credit to, Cuba, and will be urged to apply sanctions (in accordance with the Cuban Democracy Act of 1992);
- the President will be urged to seek, in the United Nations Security Council, an international embargo against the Castro dictatorship;
- civil penalties of up to \$50,000 will be imposed for trading with Cuba, and any property involved in such trading, at the direction of the Secretary of the Treasury, will be forfeited to the United States;
- it will be illegal for a United States citizen or resident alien to provide indirect financing for a transaction involving property stolen by the Cuban government from a person who is a citizen of the United States as of the date of enactment of this Act (except as permitted by the owner of that stolen property);
- the United States will continue to oppose Cuban membership in international financial institutions, and will reduce its support for any such institution that provides aid to Cuba by an amount equal to the amount of aid given;
- the United States will continue to oppose Cuban membership in the Organization of American States;
- United States aid to former Soviet states will be conditioned on their conducting their economic relations with Cuba on market

(See other side)

YEAS (74)			NAYS (24)		NOT VOTING (1)	
Republicans (51 or 96%)	Democrats (23 or 51%)		Republicans (2 or 4%)	Democrats (22 or 49%)	Republicans (0)	Democrats (1)
Abraham	Helms	Baucus	Hatfield	Akaka		Biden- ²
Ashcroft	Hutchison	Bradley	Jeffords	Bingaman		
Bennett	Inhofe	Breaux		Boxer		
Bond	Kassebaum	Bryan		Bumpers		
Brown	Kempthorne	Conrad		Byrd		
Burns	Kyl	Daschle		Dodd		
Campbell	Lott	Dorgan		Feingold		
Chafee	Lugar	Exon		Feinstein		
Coats	Mack	Ford		Harkin		
Cochran	McCain	Glenn		Inouye		
Cohen	McConnell	Graham		Johnston		
Coverdell	Murkowski	Heflin		Kennedy		
Craig	Nickles	Hollings		Leahy		
D'Amato	Pressler	Kerrey		Levin		
DeWine	Roth	Kerry		Moseley-Braun		
Dole	Santorum	Kohl		Moynihan		
Domenici	Shelby	Lautenberg		Murray		
Faircloth	Simpson	Lieberman		Nunn		
Frist	Smith	Mikulski		Pell		
Gorton	Snowe	Reid		Pryor		
Gramm	Specter	Robb		Simon		
Grams	Stevens	Rockefeller		Wellstone		
Grassley	Thomas	Sarbanes				
Gregg	Thompson					
Hatch	Thurmond					
	Warner					

EXPLANATION OF ABSENCE:

- 1—Official Buisiness
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

terms;

- any former Soviet state that gives assistance to Cuba in return for using intelligence facilities in Cuba will have its United States aid reduced by the amount of aid given by it to Cuba (in the case of Russia, the President will be able to waive this requirement if he certifies that Russia is not sharing the information with Cuba and that such waiver is in the national interest); humanitarian, nuclear disarmament, and other specified types of United States aid will not be reduced under this section;

- Television Marti's broadcast signal will be converted to an Ultra-High Frequency signal;
- enforcement of existing prohibitions on the importation of Cuban sugars and other products from Cuba will be tightened;
- it is the sense of Congress that the President should not allow United States citizens to send money to family members in Cuba unless the Cuban government allows the unfettered operation of small businesses, and that if that condition is met, the President should require a special license to send more than \$500; and

- it is the sense of Congress that the President should not allow travel to Cuba by United States residents unless the Cuban government first ends the sanction for trying to leave Cuba, releases political prisoners, recognizes the right of association, and recognizes other fundamental freedoms (see vote No. 492 for related debate).

Title II, Post-Castro Transition to Democracy

- the President will develop a plan for providing support to the Cuban people during a transition to a democratically elected government and for providing support to them once they have such a government;

- food, medicine, and other basic humanitarian assistance will be authorized;

- the President will be authorized to provide assistance to a democratically elected government to promote free market development and private enterprise;

- the President will be authorized to suspend the economic embargo if a transitional government is in power in Cuba;

- the President will be authorized to terminate the economic embargo upon the determination that a democratically elected government is in power;

- notwithstanding the above, no aid except for humanitarian aid will be given to a transitional Cuban government or a democratically elected Cuban government unless the President certifies either: a) that the government has publicly committed itself to ensuring the prompt return of or payment for property that the Castro government seized from certified United States claimants (claimants who were United States citizens when their property was seized and who have pending claims under the International Claims Settlement Act; there are 5,911 such claimants); or b) that it is in the vital national interest of the United States to provide assistance to contribute to the stable foundation for a democratically elected government in Cuba;

- the President will not determine that a transitional government is in power in Cuba unless the government in power: has legalized all political activities; has released all political prisoners and made its prisons open for investigation by human rights groups; dissolved its secret police forces; and committed to organizing free and fair elections within 2 years, with multiple political parties, equal access to the media, and international observers; in making a determination, the President will also take into account such factors as whether an independent judiciary is established and whether private property rights are protected (for related debate, see vote No. 493); and

- in determining if a democratically elected government is in power in Cuba, the President will take into consideration whether that government took power through free and fair elections, whether it respects basic civil liberties and human rights, whether it is substantially moving toward a market economy, and whether it is committed to making constitutional changes to ensure regular free and fair elections and the full enjoyment of basic civil liberties and human rights by the citizens of Cuba.

Those favoring final passage contended:

The communist dictatorship in Cuba is weakening. Without billions of dollars in yearly aid from the Soviet Union, the Castro government has been looking for new ways to find money to sustain its rule. Its own people suffer from numbing poverty after 36 years of oppression, so money is sought from overseas. It has found one source of capital in "apartheid tourism" in which it lures Europeans to plush Cuban resorts, carefully segregated from Cuban citizens, in order to get hard currency for the government. This source has been inadequate to replace the billions in lost aid, so the Cuban government is also trying to attract foreign investors to buy or use property it has stolen from American citizens. Foreign investors, knowing full well that American citizens have irrefutable rights to this property, have nevertheless begun to make deals with Castro. Now is not the time to sit by idly as Castro finds ways to attract enough foreign capital to continue his subjugation of the Cuban people. We need to tighten the embargo, and make very clear to countries and companies who may wish to put profit ahead of principle that the United States will not look aside if they sign pacts with Castro that will help him prolong his rule. We also need to make very clear that we will not excuse their use of property that they know belongs to United States citizens.

For the past 36 years there would have been no question raised as to the appropriateness of tightening the embargo on Castro's regime under these circumstances. Disturbingly, though, President Clinton has ended this decades-long bipartisanship. This bill sailed through the House with bipartisanship support, but as soon as it reached the Senate President Clinton let it be known to Democratic Senators that he wanted the bill to be stopped. Two-thirds of House Democrats voted for this bill, but in the Senate, even after the

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bill had 10 changes made to it to please the President, it took 3 cloture votes before we could get to final passage, and even then only after we agreed not to include what many Senators considered to be the strongest new sanction, which was the new private right of action for trafficking in property expropriated by Cuba. President Clinton has said that he supports continued sanctions on Cuba, but his recent actions to weaken those sanctions, his allowing Castro to obtain a visa to come to the United States to speak at the United Nations, and his vigorous lobbying against this bill may well show where he really stands.

No matter what the views of this particular President may be, we urge our colleagues to join us in supporting this bill to put pressure on the last dictator left in this hemisphere. It will tighten restrictions on Castro, and will lay out a blueprint for providing aid to a post-Castro government as it moves to democracy. This bill sides with the Cuban people against Castro and those who, for a profit, would make deals with him that would extend the suffering of the Cuban people. This bill should pass unanimously.

Those opposing final passage contended:

This bill is much less objectionable now that it no longer contains title III, but it is still unacceptable. Emotionally, it has a strong appeal. All Senators are aware of the human rights abuses that have been committed by the communist government in Cuba, and all Senators would like to see that country move toward democracy. This bill supposedly will move Cuba toward democracy. In times past, this supposed result would have been enough to guarantee support from all Senators. However, some of us are no longer willing to give uncritical support. Enacting stricter sanctions, when they have not worked in the past and when the whole world condemns the United States for imposing sanctions on Cuba, simply is not in the United States' best interests. At the outset of this debate, we said we had two basic questions--will this bill achieve its desired effect, and will it hurt other U.S. interests? The answer to the first question is "no." The rest of the world will not go along, so Castro will not be isolated. The answer to the second question is "yes." For instance, if we condition aid to the states of the former Soviet Union on whether they are giving aid to Cuba in return, we may end up not being able to give aid to those fragile new democracies, and as a result they may end up again being ruled by dictatorial forces. In America, Cuban Americans do not like any policy that appears to be favorable toward Castro. Therefore, we know that we may well suffer politically for daring to vote against this bill. However, we think this bill is harmful to U.S. interests, so we will vote against it anyway.